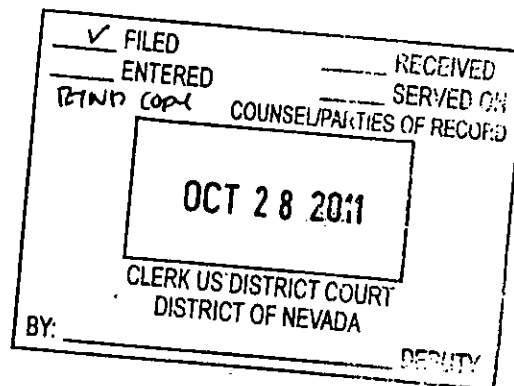


Rickie L. Hill

Name

ELY STATE PRISONPO Box 1989, ELY NV 8930187052

Prison Number



**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

Rickie L. Hill

Plaintiff,

vs.

C/O W. Oakley

CASE NO. 3:11-cv-00609
(To be supplied by the Clerk)

**CIVIL RIGHTS COMPLAINT
PURSUANT TO
42 U.S.C. § 1983**

*First Amended Complaint
Demand for jury trial*

Defendant(s).

A. JURISDICTION

- 1) This complaint alleges that the civil rights of Plaintiff, Rickie L. Hill,
(Print Plaintiff's name)

who presently resides at POB 1989, ELY NV 89301, were

violated by the actions of the below named individuals which were directed against

Plaintiff at ELY STATE PRISON / ELY on the following dates
(institution/city where violation occurred)

10-19-2010, 2010/2011, and _____
(Count I) (Count II) (Count III)

Make a copy of this page to provide the below
information if you are naming more than five (5) defendants

2) Defendant W. Oakley resides at ELY state Prison.
(full name of first defendant) (address if first defendant)
and is employed as A Correctional Officer. This defendant is sued in his/her
(defendant's position and title, if any)
☒ individual ___ official capacity. (Check one or both). Explain how this defendant was
acting

under color of law: At all times relevant to this complaint C/O Oak-
ley was employed by the NDOC as a Correctional Officer.

3) Defendant _____ resides at _____.
(full name of first defendant) (address if first defendant)
and is employed as _____. This defendant is sued in his/her
(defendant's position and title, if any)
___ individual ___ official capacity. (Check one or both). Explain how this defendant was
acting

under color of law: _____

4) Defendant _____ resides at _____.
(full name of first defendant) (address if first defendant)
and is employed as _____. This defendant is sued in his/her
(defendant's position and title, if any)
___ individual ___ official capacity. (Check one or both). Explain how this defendant was
acting

under color of law: _____

5) Defendant _____ resides at _____.
(full name of first defendant) (address if first defendant)
and is employed as _____. This defendant is sued in his/her
(defendant's position and title, if any)
___ individual ___ official capacity. (Check one or both). Explain how this defendant was
acting

under color of law: _____

6) Defendant N/A resides at N/A,
 (full name of first defendant) (address if first defendant)
 and is employed as N/A. This defendant is sued in his/her
 (defendant's position and title, if any)
 ___ individual ___ official capacity. (Check one or both). Explain how this defendant was
 acting
 under color of law: N/A

7) Jurisdiction is invoked pursuant to 28 U.S.C. § 1343 (a)(3) and 42 U.S.C. § 1983. If you wish to assert jurisdiction under different or additional statutes, list them below.

B. NATURE OF THE CASE

1) Briefly state the background of your case.

Upon my arrival to (ESP) from (LCC) on 10-19-2010
I was assaulted twice by being punched in the
stomach by PO W. Oakley. The second time he ass-
aulted me it was witnessed by Nurse Fields, CCSW
Oxborrow & the surveillance cameras. It felt like my
rib was broken initially. The next day I was spi-
ting up small traces of blood, complained to the
nurse & told her what happened & she said i'm pro-
bably not brushing my teeth enough. I asked her
if I had to pay for a PO assaulting me to be se-
en by the doctor? Is that protocol? She didn't an-
swer & kept avoiding the question when I wrote her.

C. CAUSE OF ACTION

COUNT I

EXCESSIVE - The following civil rights has been violated: 8th amendment -
Use of force

Supporting Facts: [Include all fact you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

On 10-19-2010 Plaintiff (Hill) arrived at (ESP) from (LCC) off the bus to serve a 5 yr. D/S sanction. He was the last prisoner in the hallway to be stripped & seen by classification. C/O Oakley came to escort Hill. Hill knew Oakley from 2005/06 from Ely's unit #8 G.P. Oakley had started a rumor Hill was gay 'because one day during count Oakley asked for my celly - (I'm Drre #61949) back then - to raise the curtain' so he could see me (my celly was pissing) I turned to look at the C/O & Oakley started to tell staff & inmates I was gay & looked at my cellies private; Which ultimately lead to all my problems up in G.P. reported this verbally to his S/O Williams (I think) & he just stated look at the source' referring to Oakley being unstable. That's our history. . . C/O Oakley then stated: "So you brought your Ugly Black Ass back huh?" Hill said: "Go to Hell" Oakley then said: "you're in no position to be talking shit" Then hit Hill in his stomach full force, while Hill was in full restraints. Upon recovery Hill felt a sharp pain in his midsection, Maybe as if his ribs had been

broken. Hill was then taken into the property room area where he was met by csw Oxborrow & Nurse Fields, in initial classification. To Oakley again assaulted Hill in view of Oxborrow/Fields, the surveillance cameras & two inmates who rode on the bus with me. One's name was 'm Bayer (HB-4) & a guy who sat right next to Bayer on the whole ride up here. I'm sure they must have seen it. After Oakley punched Hill in his stomach the second time? He lead Hill off to unit 4B.

The next day Hill spat up small traces of blood. Hill complained to the nurse & told her what happened & she said im not brushing my teeth enough, probably. Hill asked her if he had to pay for a doctors visit if he was assaulted? (He has this medical kite if the court wishes to see it?) The Nurses never answers your specific questions they generalize their answers.

Plaintiff stuffed a brand new white wash clothe in his mouth to see if his teeth was bleeding & if the blood was from his teeth. It was not! It appeared to be coming from my throat/stomach. This assault has left me with anxiety attacks, & an indescribable pain every now & again because it was not properly diagnosed and/or treated.

COUNT II

The following civil rights has been violated: 14th Amendment - Equal
Protection Clause.

Supporting Facts: [Include all fact you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

Since % Oakley assaulted me, he has been negligent of his duties insofar as him treating me with deliberate indifference. I've written at least a dozen grievances on him & over (6) dozen on other ELY staff members who are assisting him in discriminating against me. I'll provide copies of them all if it will please the courts. For now here's a few examples. Grievances #20062909159 (From: 11-22-2010) Oakley acted like he was going to give my mail to my neighbor. (#2) #20062909160 (11-22-10) he came to my door sounding like a woman asking if I got laundry. (#3) 20062910814 (12-26-10) Oakley stacked my lunch on top of my breakfast tray smashing the lunch in my hot cereal/breakfast. (#4) 20062918039 - Oakley pointed the shotgun at me on (3-16-11) (#5) 20062919840 (4-20-11) during passover (I practice Judaism) Oakley refused to give me my cereal. (#6) #20062919841 (4-20-11) He refused to give me my night meal & cursed me out. I'm a sex-offender, staff thinks I'm gay and because of this I'm still being targeted.

COUNT III

The following civil rights has been violated: _____

N/A

Supporting Facts: [Include all fact you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

D. PREVIOUS LAWSUITS AND ADMINISTRATIVE RELIEF

- 1) Have you filed other actions in state or federal courts involving the **same or similar facts** as involved in this action? ☒ Yes ☐ No. If your answer is "Yes", describe each lawsuit. (If more than one, describe the others on an additional page following the below

outline).

- a) Defendants: Warden Baker & 16 other ELY staff
- b) Name of court and docket number: Dist. Ct 3:11-CV-00717
- c) Disposition (for example, was the case dismissed, appealed or is it still pending?):
still pending
- d) Issues raised: 1st amendment constitution
8th amendment & Excessive force
14th amendment / Due Process
- e) Approximate date it was filed: Oct 5th 2011
- f) Approximate date of disposition: a few wks (screening?)

- 2) Have you filed an action in federal court that was dismissed because it was determined to be frivolous, malicious, or failed to state a claim upon which relief could be granted?

(I think) X Yes No. If your answer is "Yes", describe each lawsuit. (If you had more than three actions dismissed based on the above reasons, describe the others on an additional page following the below outline.)

Lawsuit #1 dismissed as frivolous, malicious, or failed to state a claim:

- a) Defendants: C/O Oakley, nurse-fields, Warden Baker, CCS Oxborrow
- b) Name of court and case number: Dist Ct 3:11-CV-00609
- c) The case was dismissed because it was found to be (check one): frivolous
 malicious or ✓ failed to state a claim upon which relief could be granted.
- d) Issues raised: Assault & battery by a C/O
- e) Approximate date it was filed: 8-24-2011
- f) Approximate date of disposition: no idea

Lawsuit #2 dismissed as frivolous, malicious, or failed to state a claim:

- a) Defendants: N/A
- b) Name of court and case number: N/A

- c) The case was dismissed because it was found to be (check one): _____ frivolous
 _____ malicious or _____ failed to state a claim upon which relief could be granted.
- d) Issues raised: N/A
- e) Approximate date it was filed: N/A
- f) Approximate date of disposition: N/A

Lawsuit #3 dismissed as frivolous, malicious, or failed to state a claim:

- a) Defendants: N/A
- b) Name of court and case number: N/A
- c) The case was dismissed because it was found to be (check one): _____ frivolous
 _____ malicious or _____ failed to state a claim upon which relief could be granted.
- d) Issues raised: N/A
- e) Approximate date it was filed: N/A
- f) Approximate date of disposition: N/A

- 3) Have you attempted to resolve the dispute stated in this action by seeking relief from the proper administrative officials, e.g., have you exhausted available administrative grievance procedures? X Yes _____ No. If your answer is "No", did you not attempt administrative relief because the dispute involved the validity of a: (1) _____ disciplinary hearing; (2) _____ state or federal court decision; (3) _____ state or federal law or regulation; (4) _____ parole board decision; or (5) _____ other _____.

If your answer is "Yes", provide the following information. Grievance Number 20062908192

Date and institution where grievance was filed 10-28-10, ELY STATE PRISON.

Response to grievance: Your grievance has been referred to the I-G's office. Per A.R. 740. You must complete all three levels of the grievance process. Even if its being investigated.

This claim fully exhausted; see attached inmate grievance reports; #20062908192

E. REQUEST FOR RELIEF

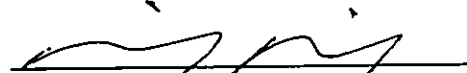
I believe that I am entitled to the following relief:

Damages in the amount of \$40,000, and Punitive Damages in excess of \$40,000, Protective Order/ Injunctive Relief Keeping % Oakley from having any contact with Plaintiff. Transfer from E.S.P. never to be sent back here, to a safer, less custody yard to avoid ELY staff retaliations. And whatever other relief this court may impose to be fair to plaintiff.

I understand that a false statement or answer to any question in this complaint will subject me to penalties of perjury. **I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT.** See 28 U.S.C. § 1746 and 18 U.S.C. § 1621.

N/A

(Name of Person who prepared or helped prepare this complaint if not Plaintiff)


(Signature of Plaintiff)

10 25 2011
(Date)

(Additional space if needed; identify what is being continued)
% Oakley was discriminating against me in violation of 14th amendment.

RECEIVED NOV 10 2010

Log Number 2006-29-08192

NEVADA DEPARTMENT OF CORRECTIONS
INFORMAL GRIEVANCE

NAME: Rickie Hill I.D. NUMBER: 87052
INSTITUTION: ESP UNIT: 4B-15

GRIEVANT'S STATEMENT: On 10-19-10, Co Dalley assaulted me by punching me in the stomach in the hallway as I was going in to see the nurse/caseworker as I got off the bus. He assaulted me again right in front of Caseworker Richardson & the nurse in green. The camera-in sore-caught it! My Remedy? Transfer me! look at film

SWORN DECLARATION UNDER PENALTY OF PERJURY

INMATE SIGNATURE: [Signature] DATE: 10-28-10 TIME: 8:30pm
GRIEVANCE COORDINATOR SIGNATURE: [Signature] DATE: 11-1-10 TIME: 12:30pm

GRIEVANCE RESPONSE: Your grievance has been referred to the I.G. office. Per AR-740, you must complete all three steps of the grievance process even if it is being investigated.

CASEWORKER SIGNATURE: [Signature] DATE: 11-6-10

☐ GRIEVANCE UPHELD ☒ GRIEVANCE DENIED ☐ ISSUE NOT GRIEVABLE PER AR 740

GRIEVANCE COORDINATOR APPROVAL: [Signature] DATE: 11-17-10

☒ INMATE AGREES ☐ INMATE DISAGREES

INMATE SIGNATURE: [Signature] DATE: 11-18-10

FAILURE TO SIGN CONSTITUTES ABANDONMENT OF THE CLAIM. A FIRST LEVEL GRIEVANCE MAY BE PURSUED IN THE EVENT THE INMATE DISAGREES.

Original: To inmate when complete, or attached to formal grievance
Canary: To Grievance Coordinator
Pink: Inmate's receipt when formal grievance filed
Gold: Inmate's initial receipt

RECEIVED NOV 10 2010

RECEIVED DEC 9 2010

DOC 3091 (12 / 01)
RECEIVED JAN 05 2011

Log Number 2006-29-08192

NEVADA DEPARTMENT OF CORRECTIONS
FIRST LEVEL GRIEVANCE

NAME: Rickie Hill I.D. NUMBER: 82052
INSTITUTION: ESP UNIT: LB-15

I REQUEST THE REVIEW OF THE GRIEVANCE, LOG NUMBER 2006-29-08192, IN A FORMAL MANNER. THE ORIGINAL COPY OF MY GRIEVANCE AND ALL SUPPORTING DOCUMENTATION IS ATTACHED FOR REVIEW.

SWORN DECLARATION UNDER PENALTY OF PERJURY

INMATE SIGNATURE: [Signature] DATE: 11-24-10

WHY DISAGREE: I agree to the I/G investigating this assault.

My stance remains the same. Although several peers of
to Oakley has approached me stating that he (Oakley) is just
clown & was just playing when he hit me. Is this 15 for
? Remedy? To be reasonably compensated, let out the Hole/Transferred

GRIEVANCE COORDINATOR SIGNATURE: [Signature] DATE: 11-29-10

FIRST LEVEL RESPONSE: See Attached

 GRIEVANCE UPHELD ✓ GRIEVANCE DENIED ISSUE NOT GRIEVABLE PER AR 740

WARDEN'S SIGNATURE: [Signature] TITLE: DATE:
GRIEVANCE COORDINATOR SIGNATURE: [Signature] DATE: 12-10-10

 INMATE AGREES ✓ INMATE DISAGREES

INMATE SIGNATURE: [Signature] DATE: 12-29-10

FAILURE TO SIGN CONSTITUTES ABANDONMENT OF THE CLAIM. A SECOND LEVEL GRIEVANCE MAY BE PURSUED IN THE EVENT THE INMATE DISAGREES.

Original: To inmate when complete, or attached to formal grievance
Canary: To Grievance Coordinator
Pink: Inmate's receipt when formal grievance filed
Gold: Inmate's initial receipt

RECEIVED JAN 05 2011

RECEIVED DEC 03 2010

DOC 3093 (12/01)

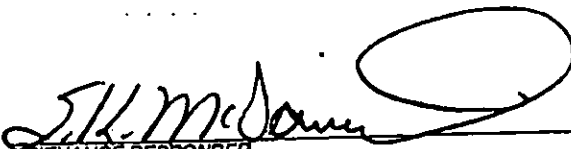


State of Nevada
Department of Corrections
INMATE GRIEVANCE REPORT

ISSUE ID# 20062908192

ISSUE DATE: 11/10/2010

INMATE NAME		INDOC ID	TRANSACTION TYPE	ASSIGNED TO	
HILL, RICKIE L		87052	RTRN_L1	EKMCDANIEL	
LEVEL	TRANSACTION DATE	DAYS LEFT	FINDING	USER ID	STATUS
1	12/09/2010	5	Denied	KBREWER	INACTIVE
INMATE COMPLAINT					
OFFICIAL RESPONSE					
Your grievance has been referred to the I. G.'s Office. Per AR 740, you must complete all steps of the Grievance Process, even if it is being investigated.					


GRIEVANCE RESPONDER

Report Name: NVRIGR
Reference Name: NOTIS-RPT-OR-0217.2
Run Date: DEC-09-10 10:24 AM

Page 1 of 5.

RECEIVED JAN 05 2011

RECEIVED JAN 05 2011

RECEIVED FEB 16 2011

LOG NUMBER: 2006-29-08192

NEVADA DEPARTMENT OF CORRECTIONS
SECOND LEVEL GRIEVANCENAME: Lickie Hill I.D. NUMBER: 87052INSTITUTION: ESP UNIT: 4B-15I REQUEST THE REVIEW OF THE GRIEVANCE, LOG NUMBER 200629-08192, ON THE SECOND LEVEL. THE ORIGINAL COPY OF MY GRIEVANCE AND ALL SUPPORTING DOCUMENTATION IS ATTACHED FOR REVIEW.

SWORN DECLARATION UNDER PENALTY OF PERJURY

INMATE SIGNATURE: [Signature] DATE: 12-30-10WHY DISAGREE: Because for one you denied my 1st level with plain generic statement! What kind of investigation is my doing? While waiting on the I.G.'s investigation? I'm being treated with Deliberate-indifference by half of unit 4 70's And Co Oakley prompts them to subject me to these-GRIEVANCE COORDINATOR SIGNATURE: [Signature] DATE: 1-3-11SECOND LEVEL RESPONSE: See AttachedGRIEVANCE UPHELD ☒ GRIEVANCE DENIED ☐ ISSUE NOT GRIEVABLE PER AR 740

SIGNATURE: _____ TITLE: _____ DATE: _____

GRIEVANCE COORDINATOR SIGNATURE: [Signature] DATE: 2-17-11INMATE SIGNATURE: [Signature] DATE: 2-18-11

THIS ENDS THE FORMAL GRIEVANCE PROCESS

Original:	To inmate when complete, or attached to formal grievance
Canary:	To Grievance Coordinator
Pink:	Inmate's receipt when formal grievance filed
Gold:	Inmate's initial receipt

RECEIVED JAN 05 2011
DOC 3094 (12/01)

**NEVADA DEPARTMENT OF CORRECTIONS
GRIEVANT'S STATEMENT CONTINUATION FORM**

NAME: Rickie Hill I.D. NUMBER: 87052
 INSTITUTION: ESP UNIT #: 4B-15
 GRIEVANCE #: 2006-29-08192 GRIEVANCE LEVEL: 2nd level
 GRIEVANT'S STATEMENT CONTINUATION: PG. 2 OF 2

cruel & unusual punishments. e.g., calling me
 a snitching sex-offender ④ Stating also if I would
 stop writing grievances then the other inmates won't be
 denied certain privileges ⑤ I've been denied meals! ⑥
 denied legal phone calls ⑦ They let it be known they
 are listening to my legal calls ⑧ % Oakley has Threatened
 me! ⑨ He Coerces whoever works with him to talk down
 to me & try & provoke an argument; which I decline. Has
 these %s search my cell a few times a month, throwing
 away stuff, never documenting it. You'll know of this %s
 Emotional/Mental disorder & you are doing nothing to
 prevent this harassment from him or other %s. Remedy
 sought? I want Oakley FIRED. And want all new
 appliances from an approved vendor like Best Buy, Circuit City
 and want this Hole time & the charges dismissed & transferred.
 If he's not fired, I want him not to be able to work around
 me. Finally, I want to talk to the I.G.!

Original:
Pink:

Attached to Grievance
Inmate's Copy

RECEIVED JAN 05 2011

DOC - 3097 (01/02)

**NEVADA DEPARTMENT OF CORRECTIONS
GRIEVANT'S STATEMENT CONTINUATION FORM**

NAME: Rickie Hill I.D. NUMBER: 87052

INSTITUTION: ESP UNIT #: 4B 15

GRIEVANCE #: 2006-29-08192 GRIEVANCE LEVEL: 2nd level

GRIEVANT'S STATEMENT CONTINUATION: PG. 3 OF 3

And for the record Warden? This type
of Retaliation for me using the grievance
process & writing up 90 Oakley for Assaulting
me' is in direct violation of AR 740.01.1.4.1-
Inmates who participate in, or utilize the Inmate
Grievance Procedure shall not be harassed pun-
ished, disciplined, or Subject to retaliation for
taking such action.

Original:
Pink:

Attached to Grievance
Inmate's Copy

RECEIVED JAN 05 2011
DOC - 3097 (01/02)



State of Nevada
Department of Corrections

INMATE GRIEVANCE REPORT

RECEIVED FEB 16 REC'D

ISSUE ID# 20062908192

ISSUE DATE: 11/10/2010

INMATE NAME	INDOC ID	TRANSACTION TYPE	ASSIGNED TO
HILL, RICKIE L	87052	RTRN_L2	BCONNETT

LEVEL	TRANSACTION DATE	DAYS LEFT	FINDING	USER ID	STATUS
2	02/07/2011	4	Denied	KBREWER	A

INMATE COMPLAINT

OFFICIAL RESPONSE

Your grievance has been referred to the I. G.'s Office. Per AR 740, you must complete all three Levels of the Grievance Process, even if it being investigated.


GRIEVANCE RESPONDER

Report Name: NVRIGR
Reference Name: NOTIS-RPT-OR-0217.2
Run Date: FEB-07-11 02:53 PM